

UPDATED
SESSION OF 2019

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2041

As Recommended by House Committee on
Insurance

Brief*

HB 2041 would amend a provision in the unfair trade practices law to add the refusal to insure or limiting of life insurance coverage to an individual, solely because of that individual's status as a living organ donor, to the list of unfair methods of competition and unfair or deceptive acts or practices in the business of insurance.

The bill would specify this "unfair discrimination" to mean "refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for life insurance to an individual, or charging the individual a different rate for the same coverage, solely because of such individual's status as a living organ donor."

The bill would further provide that, with respect to all other conditions, living organ donors shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as persons who are not organ donors.

The bill would also make technical updates.

Background

The bill was introduced by the House Committee on Insurance at the request of the National Kidney Foundation

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

(NKF). In the House Committee hearing, persons who were either a living donor or recipient of kidneys appeared in support of the bill. These individuals also appeared as NKF representatives. Another NKF representative provided statistical information and responded to questions. The proponents spoke to their personal experiences and the rigorous evaluation process required of living donors. Proponents indicated the removal of barriers, such as discrimination of organ donors when they try to obtain or change their life insurance coverage, is a critical component of expanding organ donation. Written-only testimony was submitted by the chairperson of the Kansas Kidney Coalition and the Vice President of Government Relations for NKF.

No opponent or neutral testimony was provided.

The bill was passed by the House Committee on February 6, 2019, but was withdrawn from the House Calendar and referred to the House Committee on Appropriations on February 27, 2019. The bill was then withdrawn from the House Committee on Appropriations and rereferred to the House Committee on Insurance on March 6, 2019. The House Committee again recommended the bill be passed on March 13, 2019.

According to the fiscal note prepared by the Division of Budget, enactment of the bill would have no fiscal effect.